

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

MY HEALTH, INC.,	§	
	§	
<i>Plaintiff,</i>	§	Case No. 2:16-CV-00535-RWS-RSP (Lead)
	§	
v.	§	
	§	
ALR TECHNOLOGIES, INC.,	§	
	§	
<i>Defendant.</i>	§	

**ORDER**

Electronic Frontier Foundation (“EFF”) moves to intervene for the limited purpose of unsealing certain filings associated with the defendants’ motion to declare My Health’s patent infringement lawsuits exceptional under 35 U.S.C. § 285. Dkts. 110 and 111. Defendants and My Health do not oppose the motion, provided that they are permitted to file redacted copies of the relevant filings. *See* Dkts. 114 and 115.

Having reviewed the filings (Dkts. 81, 90, 91, 97, and 99), the Court does not see any basis for maintaining the filings under seal in light of the “strong presumption in favor of a common law right of public access to court proceedings.” *See United States v. Holy Land Found. for Relief & Dev.*, 624 F.3d 685, 690 (5th Cir. 2010). In addition, the issues raised in the sealed filings are of sufficient public interest to require the parties to make a “compelling showing of particularized need” to maintain the documents under seal. *See Center for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096-97 (9th Cir. 2016). The Court will consider any compelling showing the defendants or My Health can provide.

Accordingly,

It is **ORDERED**:

- (1) EFF's motion to intervene, Dkt. 110, is **GRANTED**.
- (2) EFF's motion to unseal documents, Dkt. 111, is **TEMPORARILY GRANTED IN PART**. My Health and the defendants are **ORDERED** to file any agreed redacted, or preferably un-redacted, versions of the filings within seven days of this order. Any redactions must be accompanied by a compelling justification for maintaining the secrecy of the information.
- (3) If the defendants and My Health agree that the filings can be unsealed entirely, the parties are **ORDERED** to file a Notice, within seven days of this Order, indicating that agreement, and the Court will direct the Clerk to unseal the filings. The parties are **ORDERED** to inform the Court by phone or email of any such Notice.
- (4) The filings at Dkts. 81, 90, 91, 97, and 99, will otherwise remain provisionally sealed pending compliance with this Order.

**SIGNED this 17th day of August, 2017.**

  
ROY S. PAYNE  
UNITED STATES MAGISTRATE JUDGE